

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

JOHN DOE,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 3:19-CV-00038-GEC
)	
RECTOR AND VISITORS OF THE)	
UNIVERSITY OF VIRGINIA, ET AL.,)	
)	
Defendants.)	

DECLARATION OF JOHN J. FLOOD

I, John J. Flood, hereby declare and state as follows:

1. I am John J. Flood and I am over 18 years of age.
2. I earned a Bachelor of Science degree in Criminal Justice from St. John's University in 1979. I earned a Master of Arts degree in Government and Politics also from St. John's University in 1986.
3. I served twenty-six years as a Special Agent for the United States Federal Bureau of Investigation (FBI). I retired from the FBI in 2012 while serving as the Unit Chief of the Crisis Negotiation Unit in Quantico, Virginia.
4. I have been employed by the University of Virginia since 2012. I presently am a Title IX Investigator in the University's Title IX Office. I have served as a Title IX Investigator for three years.
5. I am the Title IX Investigator in the Doe matter pending before the Court.
6. As the Investigator in this case, I interviewed the witnesses; collected the documents; drafted and issued the Draft Investigation Report to the parties; received the parties'

responses to the Draft Investigation Report; conducted additional investigative steps; and provided the Final Investigation Report to the Title IX Coordinator who issued the Final Investigation Report to the parties.

7. The Final Investigation Report issued to the parties on May 22, 2019 contained my recommendations that (1) there was insufficient evidence, by a preponderance of the evidence, to support a finding of responsibility by Plaintiff (Respondent Doe) for sexual assault of Complainant Jane Roe occurring at an off-Grounds bar; and (2) there was sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility by Plaintiff (Respondent Doe) for sexual assault of Complainant Jane Roe at Plaintiff's off-Grounds apartment.
8. Before issuing the Final Investigation Report in this matter, I received on January 25, 2019, and considered Doe's response to the Draft Investigation Report and Doe's Affidavit. I also received on February 13, 2019, and considered Doe's comments and response to Complainant Roe's comments and Doe's Supplemental Affidavit. Before reaching my recommendations in the Final Investigation Report, I read and considered all of the parties' submissions and the evidence collected during the investigation of the case, including Doe's submissions on January 25, 2019 and February 13, 2019.
9. I attached to the Final Investigation Report as Exhibits 16 & 16A, Doe's January 25, 2019, response to the Draft Investigation Report and Doe's Affidavit. I inadvertently did not attach to the Final Investigation Report, Doe's comments to Complainant Roe's Response and Doe's Supplemental Affidavit submitted on February 13, 2019. I can rectify this inadvertent omission by attaching Doe's February 13, 2019 submissions to a Supplemental Report, before the Final Investigation Report and accompanying

exhibits are sent to the Review Panel for review and consideration in connection with a Review Panel hearing. Thus, the Review Panel would receive at the same time all of the investigative materials and the parties' submissions, including Doe's February 13, 2019 submissions, together with the Final Investigation Report before commencing its review of this matter.

10. While serving as a Title IX Investigator, I have investigated 26 cases of reported Prohibited Conduct which have been referred for Formal Resolution (investigation and adjudication) under the Title IX Policy. Respondents under the Title IX policy are presumed to be not responsible for Prohibited Conduct and only in those cases where a preponderance of the evidence demonstrates responsibility, do I recommend a finding of responsibility for Prohibited Conduct. In the cases I have investigated for the Title IX Office, I have made recommendations of not responsible in 12 reports of Prohibited Conduct and I have made recommendations of responsibility for Prohibited Conduct in 12 reports. In some cases, such as the Doe matter pending before the Court, I have made recommendations of responsibility on some issues and recommendations of non-responsibility on other issues in the same matter, always based on the preponderance of the evidence standard. Some cases in Formal Resolution for which I am the Investigator remain pending.

I declare under penalty of perjury that the laws of the United States of America that the foregoing is true and correct. Executed on this 2nd day of August, 2019.



John J. Flood